

City of Fort Calhoun

February 16, 2009

The regular meeting of the City Council of the City of Fort Calhoun, Nebraska, was held in open and public session at 7:30 o'clock p.m., on February 16, 2009 in the City Council Chambers/Library at the City Hall in Fort Calhoun, Nebraska. On roll call, the following Council Members answered present: David Genoways, Darin Wilson, and LeRoy Nelson. Absent - Mike Smith.

Notice of the meeting was given in advance thereof by publication or posting, said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting being attached to these minutes.

Advance notice of this meeting was also given to the Mayor and all Council Members. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council Members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The Mayor presided and the Clerk recorded the proceedings.

Mayor Oestmann publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Member Genoways made a motion seconded by Member Nelson to approve the January 19 and February 2, 2009 minutes as published. With members, Wilson, Nelson and Genoways voting "Aye", Smith absent, motion carried.

Member Nelson made a motion seconded by Member Genoways to approve the Treasurer's Report as presented. With members Nelson, Genoways and Wilson voting "Aye", Smith absent, motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the following bills for payment:

OPPD, 3,058.64, ult; MUD, 727.17, ult; Papio M-R NRD, 4,636.85, water; Abe's Trash, 36.26, ser; Badger Body, 235.48 rpr; Barco, 212.20, sup; Bi-State Motors, 244.65, rpr; Blair Book, 9.08, sup; Blair Tele, 377.27, utl; Blue Cross, 1,215.40, ins; Bomgaars, 172.96, sup; Calhoun Oil, 861.90, fuel; DPC, 42.00, test; Data Tech, 43.80, sup; Depository Trust, 5,862.50, bond int; Egr, James, 786.25, ser; Enterprise, 218.10, pub; Great Plains, 11.76, fee; Home Depot, 9.97, sup; Max I. Walkers, 136.00, ser; Midwest Lab, 55.00, test; NRWA, 150.00, dues; New Frontier, 536.00, Ins; NE Dept Rev., 1,323.79, sales tax; NE PHE Lab, 9.00, fee; Northern Tool, 188.63, sup; Office Max, 100.88, sup; PC Services, 116.00, ser; Postmaster, 164.06, sup; N. Jurek, 100.00, ser; Schemmers, 23,740.60, fee; Solution One, 48.73, sup; Sprint/NEXTEL, 133.97, ser; Team Visa, 198.89, sup; Wash. Co. Register/Deeds, 11.00, fee; Washington County Sheriff, 5,338.51, contract; Woodhouse, 394.80, rpr; L. Welsher, 80.36, misc; January Payroll, 23,051.16.

With members, Genoways, Wilson and Nelson voting "Aye", Smith absent, motion carried.

Washington County Sheriff Report – holiday and no current concerns

Member Genoways made a motion seconded by Member Nelson to accept the February 2009 Planning Commission minutes as presented. With members, Genoways, Wilson and Nelson voting "Aye", Smith absent, motion carried.

At 7:36 P.M. Mayor Oestmann stated in accordance with the published notice, it was now time to conduct the public hearing relative to hearing support, opposition, criticism, suggestions or

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observations relating to the proposed recommendation made by the Planning Commission on the following item:

AN ORDINANCE TO ADOPT A REVISION TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN NEBRASKA, AS REQUIRED BY ARTICLE 9, CHAPTER 19 OF THE REVISED STATUTES OF NEBRASKA AS AMENDED – *Revision of the Future Land Use Map and Table 6-2. Land Use Categories*

Mayor Oestmann asked the clerk if any written comments had been received. None

There being no public comments, Mayor Oestmann declared the public hearing closed at 7:37 p.m.

Unfinished Business:

City Engineer Ron Woracek, TSA, gave status reports on the Wastewater Conveyance Project and the Welchert/Knight improvements to date.

Mr. Bill Hardy addressed the Council with concerns about the Contractor's usage of the easement on his property. The Engineer will relay the continued concerns to the contractor for remedy in the near future.

Tom Macdissi, member of the Rural Fire Board, addressed the Council in regards to the proposed addition to the Fire Hall, concerning the city's zoning regulations and the existing 10-ton limits on Stevenson Street. He suggested a work meeting to discuss the street and other issues. The City Attorney will contact Mr. Macdissi on Tuesday concerning the consolidation of lots procedures.

City Attorney Jim Egr recommended his report on legal matters be given in closed session at the end of the meeting.

Member Genoways introduced the following RESOLUTION NO. 2009 - 01 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Wilson, Nelson and Genoways. The following voted "Nay", NONE. Smith absent, motion carried.

A true and complete copy of the said resolution is as follows:

RESOLVED: That in order to provide a coordinated effort and response to an emergency situation at the Fort Calhoun Nuclear Power Plant which could result in a partial or a total evacuation of the City of Fort Calhoun, the Fort Calhoun City Council deems it advisable and prudent to approve the attached Emergency Response Plan for Nuclear Power Plant Incidents.

PASSED AND APPROVED THIS 16th DAY OF FEBRUARY 2009.

CITY OF FORT CALHOUN, NEBRASKA
Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Member Genoways introduced the following RESOLUTION NO. 2009 - 02 and moved for its passage and adoption. Motion seconded by Member Nelson. On roll call, the following voted "Aye": Nelson, Genoways and Wilson. The following voted "Nay", NONE. Smith absent, motion carried.

A true and complete copy of the said resolution is as follows:

City of Fort Calhoun

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, THAT THE 2009/2015 ONE- AND SIX-YEAR PLAN FOR THE CONSTRUCTION MAINTENANCE, AND REPAIR OF THE STREETS OF THE CITY OF FORT CALHOUN, NEBRASKA, AS PREPARED BY THE CITY STREET SUPERINTENDENT AND AS AMENDED BY THE CITY COUNCIL BE AND IS HEREBY ADOPTED.

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF SAID PLAN BE FILED WITH THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, STATE OF NEBRASKA.

ADOPTED THIS 16th DAY OF FEBRUARY 2009

Paul L. Oestmann, Mayor

ATTEST:

Linda Welsher, CMC, City Clerk

Mayor Oestmann introduced the following Ordinance entitled:

AN ORDINANCE TO ADOPT A REVISIONS TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN, NEBRASKA, AS REQUIRED BY ARTICLE 9, CHAPTER 19 OF THE REVISED STATUTES OF NEBRASKA AS AMENDED; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said Ordinance was designated as ORDINANCE NO. 615 and the title thereof was approved.

Member Nelson moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Member Genoways seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted "Aye": Genoways, Wilson and Nelson. The following voted "Nay": NONE. Smith, absent. The motion to suspend the rules was adopted by the required three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said ORDINANCE NO. 615 was then read by title and thereafter Member Nelson moved for final passage of the ordinance, which motion was seconded by Member Genoways. On roll call, the following voted "Aye": Genoways, Wilson and Nelson. The following voted "Nay": NONE. Smith, absent. The motion having been adopted by the required three-fourths of the members elected to the Council as provided by law was by Mayor Oestmann declared passed and adopted, and in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

New Business:

Member Genoways made a motion seconded by Member Nelson to accept the February Park Board Minutes as presented. With members Wilson, Nelson and Genoways voting "Aye", Smith, absent, motion carried.

Member Genoways made a motion seconded by Member Nelson to approve the following Park Board recommendations: to allow the project engineer to determine re-start date on the Pioneer Walking Trail, to increase the 2009 Field Use Fees and to approve Jean Jones to continue scheduling field use for the 2009 Season. With members Nelson, Genoways and Wilson voting "Aye", Smith absent, motion carried.

In regards to the Park Board's concerns for better feedback and communications with the City Council, it was suggested Park Board members attend City Council meetings. Since Member

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Smith was not present to share the exact concerns, Member Wilson volunteered to attend the next Park Board meeting, and he has interest in concession stand matters.

Agnes Smith approached the council with a proposal to donate to the city, Tax Lots 129 and 131 (11-17-12), currently consisting of easements to properties outside the city limits at the west end of Monroe Street. The council took the offer under advisement.

Member Genoways made a motion seconded by Member Smith to approve Pay Application No. 4 from Rutjens Construction, \$293,726.20 as presented for work completed on the Wastewater Conveyance Project, forwarding the request to the USDA for the required status/inspection meeting and their approval for payment to the contractor by the city. With members, Wilson, Nelson and Genoways voting "Aye", Smith absent, motion carried.

Member Genoways introduced final draft of the revised Personnel Manual, covering the major changes. A meeting with city staff will be arranged prior to its adoption in March.

Regular Office and Maintenance hours will be reviewed and proposed changes will be considered and established at the March meeting.

Department heads were asked to provide written reports to council members on major things happening, problems, projects and points of interest each month.

The Clerk reported that Paula Hazelwood, Executive Director of Gateway Development Corporation will attend the March 16, 2009 meeting to provide information on the benefits of the Nebraska Economic Development Certified Community Program and the application process.

Member Genoways made a motion seconded by Wilson to approve the clerks request to attend the 2009 Municipal Clerks Academy, March 18 -20 in North Platte. With members Nelson, Genoways and Wilson voting "Aye", Smith absent, motion carried.

Public Comments:

Member Wilson made a motion seconded by Member Genoways to go into closed session to discuss pending legal matters. With members, Genoways and Wilson, Nelson voting "Aye", Smith absent, motion carried.

After the vote, Mayor Oestmann stated for the record, the motion was made, seconded and carried for the council to go into closed session to discuss pending legal matters, Mayor Oestmann declared the meeting in closed session at 9:13 p.m.

The Council returned to open session at 10:34 p.m.

Motion was made by Member Nelson and seconded by Member Genoways to adjourn. With all members voting "Aye", the meeting was declared adjourned at 10:35 p.m.

Paul L. Oestmann, Mayor

Attest:

Linda Welsher, CMC, City Clerk